IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.8229 OF 2003

Gajanan K.Shinde (since deceased) through his heirs and legal representatives Indumati G.Shinde & anr.).. Petitioners

Versus

Smt.Jijabai Tukaram Bhuyal (Adivasi) and others).. Respondents

Mr.R.S. Datar for the Petitioner.

Mr.D.S. Mhaispurkar for Respondent No.1.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 17TH AUGUST 2005

P.C.:

. This Petition challenges the concurrent findings of fact whereby the trial Court and the appellate Court have found that the Respondent No.1 had established the ground of bona fide requirement of the suit premises. Both the Courts have found that the hardship caused to Respondent No.1 would be greater if the decree was not passed.

2. Notice had been issued on 8th December 2003 in order to ascertain whether the Petitioner could be accommodated in view of the fact that Respondent No.1 had acquired premises from the other tenant. The affidavit

of Respondent No.1 has been filed. She has stated that although she has received possession of the premises, they are in a dilapidated condition and, therefore, it would not be possible for her with her meagre income to repair the same. She therefore has averred that she requires the suit premises. There is no reason to interfere with the concurrent findings of fact. Hence, Petition rejected.